

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0752-02
Bill No.: HB 623
Subject: Fees; Motor Vehicles; Crimes and Punishment
Type: Original
Date: April 16, 2013

Bill Summary: This proposal specifies that the criminal surcharge that goes to the brain injury fund and may not be waived.

FISCAL SUMMARY

| ESTIMATED NET EFFECT ON GENERAL REVENUE FUND | | | |
|-----------------------------------------------------------|------------|------------|------------|
| FUND AFFECTED | FY 2014 | FY 2015 | FY 2016 |
| | | | |
| | | | |
| Total Estimated Net Effect on General Revenue Fund | \$0 | \$0 | \$0 |

| ESTIMATED NET EFFECT ON OTHER STATE FUNDS | | | |
|---------------------------------------------------------------|------------------------|------------------------|------------------------|
| FUND AFFECTED | FY 2014 | FY 2015 | FY 2016 |
| Brain Injury Fund | Under \$100,000 | Under \$100,000 | Under \$100,000 |
| | | | |
| Total Estimated Net Effect on <u>Other</u> State Funds | Under \$100,000 | Under \$100,000 | Under \$100,000 |

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 5 pages.

| ESTIMATED NET EFFECT ON FEDERAL FUNDS | | | |
|-----------------------------------------------------------------------|------------|------------|------------|
| FUND AFFECTED | FY 2014 | FY 2015 | FY 2016 |
| | | | |
| | | | |
| Total Estimated Net Effect on <u>All</u> Federal Funds | \$0 | \$0 | \$0 |

| ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE) | | | |
|----------------------------------------------------|----------|----------|----------|
| FUND AFFECTED | FY 2014 | FY 2015 | FY 2016 |
| | | | |
| | | | |
| Total Estimated Net Effect on FTE | 0 | 0 | 0 |

☐ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☐ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

| ESTIMATED NET EFFECT ON LOCAL FUNDS | | | |
|-------------------------------------|------------|------------|------------|
| FUND AFFECTED | FY 2014 | FY 2015 | FY 2016 |
| Local Government | \$0 | \$0 | \$0 |

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Revenue, Department of Public Safety - Missouri Highway Patrol** and the **Office of the State Treasurer** each assume the proposal will have no fiscal impact on their respective organizations.

Officials from the **Department of Health and Senior Services** state changes to section 304.028.2 will require the addition of municipalities to begin collecting a \$2 surcharge fee to be deposited to the Brain Injury Fund (BIF) for the violation of any municipal ordinance. This will result in an "unknown" increase in revenues to the BIF. The BIF is currently appropriated to DHSS to provide services through the Adult Brain Injury (ABI) Program. Because there has been a demand for more services than funds available, the ABI Program has a waiting list for provider rehabilitation services (participants currently waiting an average of over two years). Therefore, it is assumed that all additional "unknown" revenues will be utilized for program services (equal "unknown costs"). The expenditure of all unknown revenues will result in a net impact of \$0.

These additional revenues will not require additional program staff.

Officials from the **Office of the State Courts Administrator** state the proposed legislation specifies that the criminal surcharge that goes to the brain injury fund may not be waived.

Based on FY 2012 data, there are approximately 754,734 criminal cases that go to the brain injury fund. This proposal would also add municipal cases in the amount of 18,615, as well as stating "such surcharge shall not be waived, except no such surcharge shall be collected proceeding involving a violation of an ordinance or state law when the proceeding or defendant has been dismissed by the court or when costs are to be paid by the state, county or municipality". We anticipate there will be an increase in the surcharge initiating an impact of \$0 to \$100,000 in any given year.

Oversight will utilize Office of the State Courts Administrators' estimate of under \$100,000 in revenue to the BIF annually.

| | | | |
|-----------------------------------------|---------------------|---------|---------|
| <u>FISCAL IMPACT - State Government</u> | FY 2014 (10 Mo.) | FY 2015 | FY 2016 |
|-----------------------------------------|---------------------|---------|---------|

BRAIN INJURY FUND

| | | | |
|-------------------|------------------------|------------------------|------------------------|
| Revenue - DOH | <u>Under \$100,000</u> | <u>Under \$100,000</u> | <u>Under \$100,000</u> |
| \$2 surcharge fee | | | |

| | | | |
|----------------------------------------------------------|-------------------------------|-------------------------------|-------------------------------|
| ESTIMATED NET EFFECT TO THE BRAIN INJURY FUND | <u>Under \$100,000</u> | <u>Under \$100,000</u> | <u>Under \$100,000</u> |
|----------------------------------------------------------|-------------------------------|-------------------------------|-------------------------------|

| | | | |
|-----------------------------------------|---------------------|---------|---------|
| <u>FISCAL IMPACT - Local Government</u> | FY 2014 (10 Mo.) | FY 2015 | FY 2016 |
|-----------------------------------------|---------------------|---------|---------|

| | | |
|------------|------------|------------|
| <u>\$0</u> | <u>\$0</u> | <u>\$0</u> |
|------------|------------|------------|

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

This proposal specifies that in all criminal cases including violations of any county or municipal ordinance or any violation of criminal or traffic laws of this state, including an infraction, there must be assessed as costs a surcharge of \$2. The surcharge must not be waived, except the surcharge will not be collected in a proceeding involving a violation of an ordinance or state law when the proceeding or defendant has been dismissed by the court or when costs are to be paid by the state, county or municipality. The proceeds from the surcharge will be paid to the state treasury to the credit of the Brain Injury Fund.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of the State Treasurer
Department of Health and Senior Services
Office of the State Courts Administrator
Department of Public Safety
Department of Revenue



Ross Strobe
Acting Director
April 16, 2013